

Sayers-Roods, et al. v. Machado (CAND, May 31, 2022)

EXHIBIT W

WITNESS AFFIDAVIT OF
NICHOLE RHODES (4/26/2022)

[Court Document from CIR v. Machado (DCD,
May 13, 2022)]

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

COSTANOAN INDIAN RESEARCH INC.

Plaintiff

-vs-

MARLENE RITA MACHADO

Defendant

(Case I.D. Number)

WITNESS AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S VERIFIED CIVIL
COMPLAINT
(NICHOLE RHODES)

AFFIDAVIT

I, NICHOLE RHODES, of Lyon County, Nevada, MAKE OATH AND SAY THAT:

1. I declare that I have been a personal friend of Kanyon Sayers-Roods since in or about 2011. During this time period upon Sayers-Roods's request for additional support, I have served as a volunteer for Costanoan Indian Research Inc. ("CIR") and the Indian Canyon Chualar Tribe of Costanoan Ohlone People ("Tribe"). My voluntary duties for Tribe and CIR took place within Indian Canyon ("Indian Country").
2. I declare that on or about April 23, 2022, Ms. Sayers-Roods asked me to serve as voluntary-security staff for CIR and Tribe in efforts to get her mother Ann-Marie Sayers, a CIR official and Tribe member, to the hospital for a wellness check.
3. I declare that in of about January 2022, in a cabin house at 1 Indian Canyon Road, a woman that I know as Marlene Machado had verbally and physically assaulted me during a CIR board meeting, while I was serving as a volunteer to CIR's secretary.
4. I declare that on April 23, 2022, at around 11:45 a.m., at 1 Indian Canyon Road, a woman that I know as Marlene Machado had verbally and physically assaulted me with her fists and a ceremonial stone used as a weapon amid CIR and Tribe official(s) taking Ann-Marie Sayers to the hospital for wellness check. Thus, I was forming body shield with another Tribe volunteer ("Jon") in attempt to prevent Machado from attacking CIR President and Tribe Chairwoman Sayers-Roods, and another Tribe-CIR volunteer ("Lee") who were assisting Tribe councilwoman and CIR founder/director Ann-Marie Sayers in a wheelchair. Moreover, in this violent incident,

Machado hit and sliced my arms with a large stone object called an 'Abalone shell,' that was the size of an box of Kleenex (a bludgeoning tool with sharp edges), causing bleeding and minor pain.

5. I declare that on April 23, 2022, around 12:00 p.m., I released Tribe offender Marlene Machado from restraint and left Indian Canyon (Indian Country) within two or three minutes after CIR-Tribe official Anne-Marie Sayers was confirmed to be safely removed from harms way, in a vehicle headed to a local hospital with CIR officials Kanyon Sayers-Roods and Charles Heinz.
6. I declare that on or about April 23, 2022, I filed a police report with the San Benito County sheriff's department regarding the physical assault against me on that day by Machado while at CIR headquarters in Indian Canyon. I spoke with Deputy Cedino who provided me with case number of "BG200424."
7. I declare the foregoing as true and correct to the best of my knowledge, under the penalty of perjury and in lieu of oath under 28 U.S.C. 1746.

STATE OF NEVADA

COUNTY OF LYON

Subscribed and sworn to (or affirmed) before me on this 26th day of April, 2022, by NICHOLE RHODES, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature
(Seal)

NOTARY PUBLIC

My Commission expires:

July 11, 2023

A handwritten signature in black ink, appearing to read 'Nichole Rhodes', written over a horizontal line.

(Signature)

NICHOLE RHODES